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2/17/99  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 SIXTH AVENUE  
SEATTLE, WASHINGTON

IN THE MATTER OF:

Rhone-Poulenc Inc.  
(now known as Rhone-Poulenc Ag Company Inc.)  
Rhodia Inc.  
Container Properties, L.L.C.  
Marginal Way Facility  
Seattle, Washington  
(WAD009282302)

Respondents

Proceeding Under Section 3008(h) of the  
Solid Waste Disposal Act, commonly known  
as the Resource Conservation and Recovery  
Act, as amended, 42 U.S.C. § 6928(h)

U.S. EPA Docket No.  
1091-11-20-3008(h)

FILE COPY

FIRST AMENDMENT TO  
ADMINISTRATIVE ORDER ON CONSENT  
FOR CORRECTIVE ACTION

1. This Amendment modifies the Administrative Order on Consent ("Consent Order") for Corrective Action Activities at the former Rhone-Poulenc Inc. Marginal Way Facility ("Facility") in Seattle, Washington, pursuant to Section XXIV of the Consent Order (Modification).
2. The Consent Order was entered into by the United States Environmental Protection Agency ("EPA") and Rhone-Poulenc Inc. on May 6, 1993.
3. On February 12, 1998, EPA received written notice that ownership of the Facility had been transferred to Rhodia Inc. In accordance with Paragraph 2.2 of the Consent Order, despite the change in ownership of the Facility, Rhone-Poulenc Inc. remains liable for the requirements of the Consent Order.
4. On July 13, 1998, the Facility was purchased by Container Properties, L.L.C.
5. As successor owners of the Facility, Rhodia Inc. and Container Properties, L.L.C. are

Amendment to AOC for Corrective Action  
Rhone-Poulenc Inc.  
EPA Docket No. 1091-11-20-3008(h)

1 liable for the requirements of the Consent Order, in accordance with Paragraph 2.1 of the Consent  
2 Order.

3 6. In order to reflect the changes in ownership of the Facility, the following changes are  
4 hereby made to the Consent Order<sup>1</sup>:

5 Paragraph 1.2 of the Consent Order:

6 This Consent Order is issued jointly and severally to Rhone-Poulenc Inc., now known  
7 as Rhone-Poulenc Ag Company Inc., ("RPI"), ~~(Respondent)~~, and Rhodia Inc., former  
8 owners and former controlling entities, and Container Properties, L.L.C., the current  
9 owner and controlling entity of the former RPI facility located at 9229 East Marginal  
10 Way South, Tukwila, Washington (RPI, Rhodia Inc. and Container Properties, L.L.C.  
11 are herein referred to jointly and severally as "Respondent").

12  
13 Paragraph 4.1 of the Consent Order:

14 Respondents RPI and Rhodia Inc. are the former owners and operators, and  
15 Respondent Container Properties L.L.C. is the current owner and operator of a  
16 hazardous waste facility. . . Washington. Until its closure in April, 1991, Respondent  
17 RPI engaged in the storage. . . .

18  
19 The second sentence of Paragraph 4.2 of the Consent Order:

20 Respondent RPI purchased the Facility in October of 1986, and operated the Facility  
21 until April of 1991, when the Facility ceased operations. On January 2, 1998, the  
22 Facility was transferred from RPI to Rhodia Inc. On July 13, 1998, Container  
23 Properties, L.L.C. purchased the Facility, and is currently operating the Facility

24  
25  
26 <sup>1</sup>Additions are marked by redline, deletions are marked by strike-out.

1 The definition of the term "Respondent" as defined on page 7, Paragraph 33 of the Consent  
2 Order is modified as follows:

3 Respondent shall mean Rhone-Poulenc Inc. (now known as Rhone-Poulenc Ag  
4 Company Inc.) ("RPI"), Rhodia Inc. and Container Properties, L.L.C.

5  
6 The heading for Paragraph 23.1 of Section XXIII (Financial Responsibility) of the Consent  
7 Order is retained and the text of that Paragraph is stricken and replaced with the following language:


8 Within thirty (30) days of entry of this Consent Order, Respondent shall establish and  
9 maintain financial security in the amount of \$ 7 million. The mechanism(s) for  
10 obtaining and demonstrating financial assurance for corrective action must be one of  
11 the forms and in the manner specified in Paragraphs (a) through (f) of 40 C.F.R. §  
12 265.143. Respondent shall submit documentation, as described in Paragraphs (a)  
13 through (f) of 40 C.F.R. § 265.143, of such financial assurance to EPA within seven  
14 (7) days after establishment of the financial assurance.

15 The first two sentences of Paragraph 23.2 beginning on line 11 and ending on line 20 are  
16 stricken. The last two sentences of Paragraph 23.2 remain unchanged.

17 7. The parties agree that one Project Coordinator will represent all companies subject to the  
18 Consent Order.

19 8. This First Amendment to the Administrative Order on Consent for Corrective Action is  
20 effective on the date signed by EPA, Region 10's Director of the Office of Waste and Chemicals  
21 Management.

22 IT IS SO AGREED AND ORDERED

23 BY:   
24 Michael A. Bussell, Director  
25 Office of Waste and Chemicals Management  
26 United States Environmental Protection  
Agency, Region 10

DATE: 2-17-99

27 Amendment to AOC for Corrective Action  
28 Rhone-Poulenc Inc.  
EPA Docket No. 1091-11-20-3008(h)

1 The undersigned representative of party to this First Amendment to the Consent Order for a  
2 Corrective Action Activities at the former Rhone-Poulenc Inc. Marginal Way Facility, at 9229 East  
3 Marginal Way South, Seattle, Washington, certifies that he or she is fully authorized to enter into the  
4 terms and conditions of this Amendment and to execute and legally bind such party to this  
5 document.

6 CONTAINER PROPERTIES, L.L.C.

7 BY:  \_\_\_\_\_

DATE: 02/11/99

8 Name [please type]: Richard J. Padden

9 Title [please type]: Member

10 Address [please type]: 1216 - 14th Court East  
Sumner, WA 98390

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27 Amendment to AOC for Corrective Action  
28 Rhone-Poulenc Inc.  
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4 terms and conditions of this Amendment and to execute and legally bind such party to this  
5 document.

6  
7 FOR RHONE POULENC AG COMPANY INC. (FORMERLY RHONE-POULENC INC.):

8 BY: John M. Iatesta

DATE: February 12, 1999

9 Name [please type]: John M. Iatesta

10 Title [please type]: Assistant Secretary

11 Address [please type]: CN7500  
12 Cranbury, NJ 08512-7500  
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4 terms and conditions of this Amendment and to execute and legally bind such party to this  
5 document.

6 FOR RHODIA INC.:

7 BY:  .

DATE: February 12, 1999

8 Name [please type]: John P. Donahue

9 Title [please type]: Senior Vice President, General Counsel & Secretary

10 Address [please type]: CN7500  
11 Cranbury, NJ 08512-7500  
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27 Amendment to AOC for Corrective Action  
28 Rhone-Poulenc Inc.  
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